

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

15-cr-379 (PKC)

ORDER

JUAN ORLANDO HERNANDEZ,

Defendant.

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CASTEL, U.S.D.J.

Defendant moves for reconsideration of the denial of the adjournment of sentencing. The Court adheres to its ruling.

Sentencing in this case was set on March 8, 2024, the day of verdict, for June 26, 2024, a date three and one-half months in the future, a more than ample time to prepare for sentencing. Defendant was represented at trial by retained counsel. In addition, the Court also appointed two members of the CJA panel to represent him at trial.¹ The three attorneys remain counsel for defendant.


Defendant has cited to the adjourned sentencing proceedings of other defendants in this case but each request is judged on its own merits. For example, in the case of defendant Juan Antonio Hernandez, his trial counsel moved to withdraw. The Court endeavored to appoint CJA counsel but it was only on the third try that the Court found counsel willing and able to take on the assignment. New counsel needed time to prepare for sentencing. Similarly, trial counsel for defendant Geovanny Fuentes Ramirez withdrew after trial and CJA counsel was appointed

¹ One of the two CJA attorneys was originally retained as cleared counsel for CIPA proceedings. The attorney is a member of the CJA panel and was subsequently appointed to the trial team.

who also needed time to prepare. The adjourned periods for both of these defendants overlapped with the pandemic. Counsel for defendant Juan Orlando Hernandez also cites the Court's adjournment of the sentencing of defendants Otto Salguera-Morales and Ronald Salguera-Portillo from January 10, 2022 to June 27, 2023. Counsel inadvertently asserts the incorrect date.² The original sentencing date for the joint sentencing of the two separately represented defendants was January 10, 2023. The initial adjournment was necessitated by the inability of the Office of Probation to prepare the pre-sentence report in a timely fashion. Finally, defendant Mauricio Hernandez Pineda's sentencing was originally set for two and one-half months after his plea, a full month shorter than the interval between verdict and sentencing in the case of defendant Juan Orlando Hernandez; the sentencing was reset for three business days after the sentencing of defendant Juan Orlando Hernandez.

Letter motion (ECF 780) is DENIED.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
May 3, 2024

² Counsel's error undoubtedly originated with a typographical error (2022 instead of 2023) in an Order of this Court. (ECF 498.)